

Exhibit 35

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DISTRICT

4 BOBBY SINGLETON, et al.,
5 PLAINTIFFS,

vs. CASE NO.

8 WES ALLEN, in his
official capacity as
9 Alabama Secretary of
State, et al.,

DEFENDANTS.

12 DEPOSITION OF LEONETTE SLAY
13 TAKEN AUGUST 10, 2023

16 Taken pursuant to stipulation and
17 agreement before Joseph Jones, CCR,
18 Commissioner for the State of Alabama at
19 Large, in the offices of Whatley Kallas, LLP,
20 2001 Park Place North, 1000 Park Place Tower,
21 Birmingham, Alabama, commencing at
22 approximately 9:59 a.m. (CT).

* * * * * * * * * * * *

<p>1 APPEARANCES 2 FOR THE PLAINTIFFS: 3 Mr. James Uriah Blacksher Ms. Suzanne York 4 WHATLEY KALLAS, LLP Attorneys at Law 5 2001 Park Place North 1000 Park Place Tower 6 Birmingham, Alabama 35203 7 Mr. Henry C. Quillen (via Zoom) WHATLEY KALLAS, LLP 8 Attorneys at Law 159 Middle Street, Suite 2C 9 Portsmouth, New Hampshire 03801 10 Mr. Edward Still EDWARD STILL LAW FIRM, LLC 11 Attorney at Law 2501 Cobblestone Way 12 Birmingham, Alabama 35226 13 Mr. U.W. Clemon U.W. CLEMON, LLC 14 Attorneys At Law Renaasant Bank Building 15 2001 Park Place North, Tenth Floor Birmingham, Alabama 35203 16 17 Mr. Dorman Walker (via Zoom) BALCH & BINGHAM, LLC Attorneys at Law 18 105 Tallapoosa Street, Suite 200 Montgomery, Alabama 36104 19 20 FOR THE DEFENDANTS: 21 Mr. James Davis 22 ALABAMA ATTORNEY GENERAL'S OFFICE Assistant Attorney General 23 501 Washington Avenue Montgomery, Alabama 36104</p>	<p>Page 2</p> <p>1 EXHIBIT INDEX (continued) 2 PLAINTIFFS' 3 EXHIBIT 12, General Election 11-6-18 43 Official Summary Report 4 For Jefferson County 5 EXHIBIT 13, Special Gen. Election 47 12-12-17 Report for 6 Jefferson County 7 EXHIBIT 14, General Election 11-8-16 48 Official Summary Report 8 For Jefferson County 9 EXHIBIT 15, General Election 11-4-14 50 Official Summary Report 10 For Jefferson County 11 EXHIBIT 16, "Alabama's Midterm 51 Election Turnout Worst in 12 36 Years" Article 13 EXHIBIT 17, General Election 11-6-12 56 Official Summary Report 14 For Jefferson County 15 EXHIBIT 18, General Election 11-2-10 57 Official Summary Report 16 For Jefferson County 17 EXHIBIT 19, General Election 11-4-08 57 Official Summary Report 18 For Jefferson County 19 DEFENDANTS' 20 EXHIBIT D1, Singleton Exhibit 5 69 Livingston 3 Plan 21 EXHIBIT D2, Singleton Exhibit 8 69 Caster-Milligan Remedial Plan</p> <p>23</p>	<p>Page 4</p>
<p>1 EXAMINATION INDEX 2 LEONETTE SLAY 3 BY MR. BLACKSHER 7 BY MR. DAVIS 59 4 BY MR. BLACKSHER 89 5 6 EXHIBIT INDEX 7 PLAINTIFFS' 8 EXHIBIT 1, Slay Registration Info on 7 SOS Website 9 EXHIBIT 2, Slay Residence in 2021 CD6 9 10 EXHIBIT 3, Slay Residence in 2021 CD6 9 Zoomed In 11 EXHIBIT 4, Slay Residence in 2023 CD7 10 12 EXHIBIT 5, Slay Residence in 2023 CD7 10 Zoomed In 13 EXHIBIT 6, Singleton Plan 169-6 26 14 EXHIBIT 7, Shelby County Precincts 28 15 EXHIBIT 8, Summary of Prior Election 29 For Singleton 3 and CLC1 16 EXHIBIT 9, General Election 11-8-22 31 17 Official Summary Report for Jefferson County 18 EXHIBIT 10, "Democrats for Life 38 Cancels Yolanda Flowers Support" Article 19 EXHIBIT 11, General Election 11-3-20 39 20 Official Summary Report For Jefferson County</p>	<p>Page 3</p> <p>1 STIPULATIONS 2 It is hereby stipulated and agreed 3 by and between counsel representing the 4 parties that the deposition of LEONETTE SLAY 5 is taken pursuant to stipulation and 6 agreement; that all formalities with respect 7 to procedural requirements are waived; that 8 said deposition may be taken before Joseph 9 Jones, CCR, Reporter and Commissioner for the 10 State of Alabama at Large, without the 11 formality of a commission; that objections to 12 questions other than objections as to the form 13 of the questions need not be made at this time 14 but may be reserved for a ruling at such time 15 as the deposition may be offered in evidence 16 or used for any other purpose as provided for 17 by the Alabama Rules of Civil Procedure. 18 It is further stipulated and 19 agreed by and between counsel representing the 20 parties that the filing of the deposition is 21 hereby waived and that the deposition may be 22 introduced at the trial of this case or used 23 in any manner by either party hereto provided</p>	<p>Page 5</p>

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1 for by the Statute.		1 incorrect?	
2 It is further stipulated and		2 A. No, this is correct.	
3 agreed by and between the parties hereto and		3 Q. Okay. So --	
4 the witness that the signature of the witness		4 MR. DAVIS: Pardon me, but do you	
5 to this deposition is hereby waived.		5 have an electronic copy so that we can see 10:01AM	
6 *****		6 that?	
7 LEONETTE SLAY,		7 MS. YORK: That's the Exhibit	
8 the witness, having first been		8 Share function. You should have all received	
9 duly sworn or affirmed to speak the truth, the		9 an invitation from Veritext.	
10 whole truth, and nothing but the truth,		10 MR. DAVIS: Yes. So it's down in 10:01AM	
11 testified as follows:		11 the marked exhibit folder?	
12 THE COURT REPORTER: Usual		12 MS. YORK: Yes, sir.	
13 stipulations?		13 MR. DAVIS: Thank you. I	
14 MR. DAVIS: Usual stipulations, I	09:59AM	14 understand.	
15 guess, but, Jim, we've noticed this as a trial		15 MS. YORK: And, occasionally, as I 10:01AM	
16 deposition.		16 mark them in Exhibit Share, you may have to	
17 MR. DAVIS: You have, and I think		17 refresh the screen, but they should appear	
18 out of fairness to you and the witness, I		18 there almost simultaneously.	
19 think it would be incumbent on me if I have an		19 MR. DAVIS: Thank you. I'm sorry	
20 objection to leading or relevancy, that I	09:59AM	20 for the interruption. 10:01AM	
21 specify that.		21 MR. BLACKSHER: So this will be	
22 MR. BLACKSHER: I agree. You need		22 marked as Deposition Exhibit 1, Ms. York?	
23 to get your objections on the record for a		23 MS. YORK: Yes, sir. I've marked	
	Page 7		Page 9
1 trial deposition.		1 it as Slay Exhibit 1.	
2 DIRECT EXAMINATION		2 Q. Now I'm going to hand you,	
3 BY MR. BLACKSHER:		3 Ms. Slay -- this is a picture -- excuse me --	
4 Q. So would you state your name and		4 that we printed off of Dave's Redistricting	
5 address, please? 10:00AM		5 App that locates your residence in the plan 10:02AM	
6 A. Leonette Walker Slay, 320		6 that was enacted by the legislature in 2021.	
7 Albermarle Drive, Hoover, Alabama 35226.		7 Does that look about right to you?	
8 Q. Okay. And what is your race or		8 A. Yes.	
9 ethnicity?		9 Q. All right. And here is a blowup	
10 A. I am non-Hispanic white. 10:00AM		10 of that picture that is hard to read, but it 10:02AM	
11 (Plaintiffs' Exhibit Number 1 was		11 might be easier for you to locate your	
12 marked for identification.)		12 Albermarle address residence on it.	
13 Q. Okay. I've just handed you an		13 A. Yes. Where that "X" is, you can	
14 exhibit that we printed off of the Secretary		14 barely see the name of that street is	
15 of State's website. 10:00AM		15 Albermarle Drive, and that is where I live. 10:03AM	
16 MR. BLACKSHER: Suzanne, can you		16 MR. BLACKSHER: Okay. So we'll	
17 hear us?		17 mark those two as Exhibits 2 and 3.	
18 MS. YORK: Yes, sir. I'm marking		18 (Plaintiffs' Exhibit Number 2 and	
19 it now.		19 3 were marked for identification.)	
20 Q. Okay. This is -- this locates you 10:00AM		20 MS. YORK: They've been marked and 10:03AM	
21 on the Secretary of State's registered voter		21 introduced.	
22 database. Can you look it over, please, and		22 Q. Now, I'll show you according to	
23 see if there's anything on it that seems		23 Dave's where your residence is in the plan	

1 that was enacted recently in 2023. 2 Does that look about right? 3 A. Yes. 4 Q. And here is a blowup of that 5 picture as well so that you can locate 10:04AM 6 Albermarle Drive, and is the "X" in the right 7 spot for your residence? 8 A. Yes. 9 MR. BLACKSHER: Okay. We'll mark 10 those as the next two exhibit numbers, please. 10:04AM 11 (Plaintiffs' Exhibit Number 4 and 12 5 were marked for identification.) 13 Q. Now let's talk a little bit about 14 your background please, Ms. Slay. Where were 15 born and raised? 10:04AM 16 A. I was born in Tupelo, Mississippi, 17 and raised in the small town of West Point, 18 Mississippi, in northeast Mississippi. 19 Q. Okay. And is that where you went 20 to high school? 10:04AM 21 A. I graduated from public school at 22 West Point High School, and then I went to 23 college, Millsaps College, in Jackson,	Page 10	1 the Army, and to your point about education, 2 I'm also a graduate of the Army War College, 3 which is graduate-level education. 4 Q. So give us an overview of your 5 career in the military. 10:06AM 6 A. Okay. I joined the Army in '76, 7 and at that time, it was the Women's Army 8 Corps, and I ended up spending 14 years on 9 active duty and the rest of the time in the 10 Army Reserve both as a military intelligence 10:06AM 11 officer and a human resources officer and 12 ended up being in several states -- Arizona 13 Kentucky, South Carolina, and obviously 14 Alabama -- and three years stationed in 15 Germany. 10:06AM 16 Q. On active duty or as a reservist? 17 A. All were on active duty except 18 South Carolina and Alabama. So, because of 19 that experience, I've had some ideas about 20 electoral politics in other states and also 10:06AM 21 Germany. 22 Q. So are you still a member of the 23 Army Reserves?	Page 12
1 Mississippi. Then I got a scholarship to go 2 to the University of Texas at Austin where I 3 majored in public affairs. 4 Q. As an undergraduate? 5 A. No, that was a graduate degree 10:05AM 6 after graduating from Millsaps. 7 Q. Okay. So you got a master's -- 8 A. In public affairs. 9 Q. -- in public affairs? 10 A. Uh-huh. 10:05AM 11 Q. And did you have more education 12 after that, or did you -- 13 A. Well, immediately after graduating 14 from the University of Texas, I was fortunate 15 to get a job as a legislative aid in the Texas 10:05AM 16 House of Representatives to a senior member of 17 the House, and I worked there for two years to 18 include their first constitutional convention 19 in a hundred years in a special call session, 20 but as a result of that experience, I ended up 10:05AM 21 getting a direct commission in the United 22 States Army. 23 And from there, I had a career in	Page 11	1 A. Actually, I am not. I was in the 2 Reserve until 2010. There is a requirement 3 that you had to retire at age 60 for the 4 program that I was in. 5 Q. Okay. So what was your rank when 10:07AM 6 you retired? 7 A. I retired as an O6 colonel. 8 Q. What brought you to Alabama? 9 A. I was stationed in the First 10 Infantry Division at Fort Riley, Kansas. That 10:07AM 11 was another state that I was active in, and I 12 ended up coming to Alabama for some personal 13 reasons but then integrated from the active 14 Army into the Army Reserve and served in 15 Birmingham units as well as a South Carolina 10:07AM 16 unit. 17 Q. And what year did you come to 18 Alabama? 19 A. 1991. 20 Q. And was that here or -- 10:07AM 21 A. I was in Tuscaloosa. I lived 22 there for several years and then was asked to 23 join a particular unit in Birmingham as an	Page 13

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1 Army Reserve. They were short military 2 intelligence offices. And so I ended up 3 moving to Birmingham and worked here and 4 transitioned into the civil service as well as 5 the Army Reserve. Complicated program, but 6 you have to be in both to be eligible to be in 7 civil service.	10:08AM	1 Q. Okay. And you won't return until 2 when? 3 A. I will return on August the 24th. 4 Q. And is this a trip that had been 5 planned?	10:10AM
8 Q. So explain to me what your civil 9 service position is.	10:08AM	6 A. Yes, this trip was planned last 7 year. 8 Q. Okay. When did you become a 9 resident of Jefferson County, Alabama?	10:10AM
10 A. Well, my civil service position 11 consisted of Army Reserve training and 12 military intelligence, but ultimately, I was 13 the human resource officer for eight 14 southeastern states and Puerto Rico about the 15 same time we started mobilizing Army Reserve 16 personnel for various overseas contingencies. 17 I was also a battalion commander that 18 mobilized people in '97 through '99 to go to 19 Bosnia and Herzegovina, but mainly we were 20 mobilizing thousands for the Global War on 21 Terrorism, Iraq, and Afghanistan.	10:08AM	10 A. 1994. At that time, it was 11 another part of Hoover but still in Jefferson 12 County. I've lived in Jefferson County in two 13 different locations since 1994. 14 Q. And the Albermarle Drive location 15 is the second?	10:10AM
22 Q. And as I understand it, this is 23 part military duty and part civil service	10:08AM	16 A. Yes, sir. I purchased that house 17 in 2003. 18 Q. Okay. What was your address 19 before that? 20 A. 7213 Rime Village Drive in Hoover,	10:11AM
	10:09AM	21 Alabama. It's an apartment complex. 22 Q. Are you also a member of the 23 League of Women Voters?	10:11AM
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1 duty? 2 A. It's called the Military 3 Technician Program, and so to be in a military 4 technician slot, you have to be a serving 5 member of the Army Reserve and meet all 6 requirements. So the two jobs are linked. 7 So, if I could not pass my 8 physical fitness test and was told to leave 9 the Army Reserve, I would automatically lose 10 my federal civil service job. If I couldn't 11 make weight or other requirements of the Army, 12 I would lose my federal civil service job as 13 well. So, when I ended up retiring in 2010 as 14 an O6 at Fort Jackson, I was also the human 15 resource officer GS14 for those southeastern 16 states and Puerto Rico. 17 Q. Thank you. And, you know, I 18 forgot to ask you at the top of the 19 deposition, but we are taking your deposition 20 because you will be unable to attend trial on 21 Monday?	10:09AM	1 A. I am a member of the League of 2 Women Voters underscoring that I'm not 3 officially representing them in any way in 4 this proceeding, but much of my experience in 5 Jefferson County is the result of volunteer 6 work with the League of Women Voters. 7 Q. When did you become involved with 8 the League of Women Voters in Alabama? 9 A. I became involved with them when I 10 moved to Tuscaloosa in 1990 where I served on 11 the board and as president of the local 12 league, and then when I transitioned to 13 Birmingham, I immediately joined the local 14 league and ended up being on the board and 15 president several times.	10:11AM
22 A. That's correct. I'm leaving the 23 country on Sunday.	10:09AM	16 Q. When you say "the board," you mean 17 the statewide board? 18 A. Well, at that time, it was the 19 local board, but I have served three different 20 occasions on the state board and am currently 21 on the state board. 22 Q. Okay. And have you held -- have 23 you been chaired or chief officer of the --	10:12AM

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1 whatever you call it -- of the Jefferson 2 County league?		1 which we have toll-free numbers and emails and 2 are working very successfully with the 3 Jefferson County Board of Pardons and Paroles 4 to make sure that people who are eligible can 5 vote, and if they have one of the 6 disqualifying offenses, how they can go about 7 getting a CERV to restore their voting rights.	
3 A. I've been at various positions in 4 the Jefferson County league to include 5 president, treasurer, voter service chair, and 6 just various areas because of my long 7 association with the league which started in 8 1976.	10:12AM	8 Q. A CERV is a Certificate of 9 Eligibility to Register to Vote?	
9 Q. And in -- in your work with the 10 League of Women Voters, are you a volunteer 11 with activities with the League of Women 12 Voters?	10:12AM	10 A. Right. Thank you. And I've just 11 gotten some updated information from our VRR 12 project manager for Jefferson County. She 13 estimates that we have helped 250 felons make 14 sure that they can vote in Jefferson County.	10:15AM
13 A. The League of Women Voters in 14 Alabama is completely, 100 percent, voluntary.		15 Q. Okay. What about eligible felon 16 voters who are incarcerated in jail, for 17 example?	10:15AM
15 Q. And it's a nonpartisan 16 organization?	10:12AM	18 A. They -- they -- until they're 19 convicted of a disqualifying felony, they are 20 eligible to vote. And so we are working 21 especially with the Jeffco Sheriff's Office to 22 make sure that they have access to ballots and 23 also information.	10:15AM
17 A. It is vociferously nonpartisan.			
18 Q. All right. And so describe your 19 involvement as a member of the league and your 20 colleagues in the league in Alabama elections.	10:13AM		
21 A. Well, the league -- nationally, 22 state, and local -- has been known for a 23 long time as a voting organization, hence our			
	Page 19		Page 21
1 name, and also a voting rights organization in 2 which we think every eligible citizen should 3 be able to cast an informed ballot at every 4 election they choose to participate in.		1 And speaking of information, the 2 eligibility to vote is only as helpful as your 3 knowledge about who the candidates or the 4 constitutional amendments are on the ballot.	
5 And so we work to ensure that 6 elections are accessible, they are 7 transparent, and that people who are eligible 8 to vote have the opportunity to register, to 9 get information about what's going to be on 10 their ballot as well as information on the 11 logistics of casting their ballots.	10:13AM	5 So the league has a free service called 6 "Vote411.org" in which anyone can enter their 7 home address and find out who or what is going 8 to be on their ballot, and the league has very 9 successfully created questionnaires which	10:15AM
12 Q. What are some of those programs 13 you're involved in right now with helping 14 voters?		10 speak to local, state, or national issues.	10:16AM
15 A. We are doing voter registrations 16 whether it's an election or a nonelection 17 season. We are doing a lot of work with 18 voting rights restoration thanks to the 19 legislature's 2017 clarification on which 20 offenses constitute moral turpitude. Many 21 people who have been convicted of felonies 22 erroneously think they cannot vote, and they 23 can. So we have an active VRR project in	10:14AM	11 The same questionnaire is sent to 12 every candidate. Every candidate has a chance 13 to respond verbatim. It's not edited in any 14 way, and we upload their answers so that a 15 voter can see what the candidates in their 16 region are saying about important issues.	10:16AM
	10:14AM	17 Q. Okay. And have you sent these 18 questionnaires out to candidates in Jefferson 19 County since you've been here or just 20 recently?	10:16AM
	10:14AM	21 A. Jefferson County, the league here, 22 has been involved in Vote411 for about three 23 cycles now. We have a committee that creates	

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1 specific questions based on the races. Yes, 2 we have done that. What we are finding, 3 however, is there there is a lack of 4 participation by some candidates because the 5 way that the districts are drawn. They know 6 that their success is assured. So they have 7 no motivation to answer questions that their 8 constituents can see, and they know that as a 9 result, it will not impact them negatively.	10:17AM	1 districts. 2 Q. What issues do you and some of 3 your colleagues share with black voters here 4 in Jefferson County?	
10 Q. As a plaintiff in this lawsuit, 10:17AM 11 Singleton and others versus first Merrill now 12 Allen, Secretary Allen, have you instructed us 13 lawyers representing the plaintiffs to try to 14 keep Jefferson County whole in the 15 congressional district? 10:17AM		5 A. One of the reasons I think a 10:19AM 6 coalition would be viable is that we have many 7 common interests. We would like to see 8 Medicaid expanded. We would like to see a 9 further reduction of the state grocery tax.	
16 A. I have been, let's say, adamant 17 from my early involvement in this that I think 18 that Jefferson County should remain whole 19 because I feel that based on my experience and 20 observations that a viable coalition can be 10:18AM 21 formed by the African American voters, 22 progressives, independents, and moderate 23 Republicans that there is a very good		10 We would like to see a viable public transit 10:20AM 11 system for the whole of Jefferson County, a 12 holistic view to help lift people out of 13 poverty and to make a more viable -- not to 14 use a motor vehicle and to use public 15 transportation to get around the very large 10:20AM 16 metropolitan areas in Jefferson County. So I 17 think we have a lot of issues in common. And 18 revision of some of the criminal justice laws 19 that could be impacted.	
	Page 23	20 Q. Are there issues in national 10:20AM 21 government, in congress, that you share with 22 African American voters here in Jefferson 23 County?	Page 25
1 possibility that that group of people could 2 elect the candidates of their choosing instead 3 of the cycles of which we have very low voter 4 turnout because there is nobody on the ballot 5 except one party or underfunded, unknown other 10:18AM 6 candidates, and because of the way the racial 7 gerrymandering district has been drawn, many 8 people, even enthusiastic committed voters, 9 feel very despondent because they know that 10 the way the district is drawn their candidate 10:19AM 11 will never win.		1 A. Yes. I think that there is plenty 2 of room for investment in infrastructure 3 projects in Jefferson County which would 4 affect all voters but particularly those who 5 have been underserved in neighborhoods that 10:21AM 6 are primarily occupied by people of color. 7 There are some policies as a military veteran 8 I am very against that our national 9 representatives have embarked on.	
12 Q. So you have, for example, League 13 of Women Voter colleagues here in Jefferson 14 County some who live in District 6 and some 15 who live in District 7; is that correct? 10:19AM		10 And I think that there would be 10:21AM 11 some like-minded -- because, in the South, the 12 military is overrepresented by people of 13 color. And I think that they would see the 14 domino effects of -- many veterans are seeing 15 about what our junior senator is doing in 10:21AM 16 Washington. Those are just examples that 17 aren't connected just to one thing, but a wide 18 variety of personal interests can coincide 19 inside this one county.	
16 A. That's correct.		20 Q. Okay. Now -- let's see. We 10:21AM 21 are -- I'm looking for an exhibit here. Give 22 me a second.	
17 Q. Okay. And -- but as long as the 18 county is split, you're unable to -- to form a 19 coalition, if you will?		23 MR. BLACKSHER: Suzanne, can you	
20 A. That is the -- based on my 10:19AM 21 experience, I would agree with that, and it's 22 also hard to get things like forums done when 23 you're county is split among multiple			

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<p style="text-align: right;">Page 26</p> <p>1 put up the Singleton -- the 2023 Singleton 2 congressional map, which is marked as Docket 3 169-6 on the screen for us to look at? Is 4 that possible with this equipment?</p> <p>5 MS. YORK: Give me just a second. 10:22AM 6 MR. BLACKSHER: Take your time.</p> <p>7 You know what, Suzanne, I've got a workaround 8 if you want to come back.</p> <p>9 MS. YORK: All right.</p> <p>10 (Plaintiffs' Exhibit Number 6 was 10:23AM 11 marked for identification.)</p> <p>12 Q. All right. So, Ms. Slay, I'm 13 handing you a copy of the 2023 Singleton Plan, 14 which is also known as the Campaign Legal 15 Center Map Number 1 or CLC Map Number 1 as it 10:23AM 16 was known in the legislature for a while, and 17 I'm just going to tell you that that is marked 18 as Exhibit 169-6 in the exhibits that have 19 been filed by the plaintiffs thus far or about 20 to be filed. 10:24AM</p> <p>21 MR. BLACKSHER: Jim, do you need a 22 copy of that in front of you?</p> <p>23 MR. DAVIS: Which exhibit number</p>	<p style="text-align: right;">Page 28</p> <p>1 Q. Let me see if I can -- 2 MR. BLACKSHER: Suzanne, you said 3 that exhibit is here now, the sliver of -- 4 MS. YORK: Yes, sir. It should be 5 the fourth from the last folder. 10:26AM 6 MR. BLACKSHER: Fourth from the 7 last folder. Okay. 8 MS. YORK: Yes, sir. 9 MR. BLACKSHER: Got it. Thank 10 you. 10:26AM 11 MS. YORK: Sure. 12 MR. BLACKSHER: Fourth from the 13 last. That's good. 14 (Plaintiffs' Exhibit Number 7 was 15 marked for identification.) 10:26AM 16 Q. Let me hand you a picture -- I got 17 it off of Dave's once again -- that shows the 18 eight precincts in Shelby County that are 19 included in District 6 in the 2023 Singleton 20 Plan. Are you familiar with any of those 10:27AM 21 locations just over the Jefferson County line? 22 A. Not really. I mean, I -- I've 23 been down to certain places in Shelby County,</p>
<p style="text-align: right;">Page 27</p> <p>1 did you say, Jim? 2 MR. BLACKSHER: 169-6. 3 MS. YORK: I'll put it in Exhibit 4 Share. Give me just one second.</p> <p>5 MR. DAVIS: I do have a copy of 10:24AM 6 that, and I'm sure I'll have another copy in a 7 moment.</p> <p>8 MS. YORK: Yes, it's introduced as 9 Slay 6.</p> <p>10 Q. Okay. So we're going to be 10:25AM 11 talking about -- for the next several 12 questions about this 2023 Singleton Plan we 13 called it. It was introduced by Senator Bobby 14 Singleton in the special session that just 15 adjourned. 10:25AM</p> <p>16 And I'll direct your attention in 17 particular to District 6. Does that contain 18 all of Jefferson County?</p> <p>19 A. Yes.</p> <p>20 Q. And it also contains part of 10:25AM 21 Shelby County, does it not?</p> <p>22 A. Yes, it contains a small sliver of 23 northern Shelby County.</p>	<p style="text-align: right;">Page 29</p> <p>1 but -- I know basically where this is, but I 2 don't go to any of these places. 3 Q. We'll look at some questions about 4 those later. Now I'm going to show you -- 5 MR. BLACKSHER: Do I need to ask 10:27AM 6 that these be marked as we bring them in, or 7 are you doing it automatically, Suzanne? 8 MS. YORK: I'm doing it 9 automatically.</p> <p>10 MR. BLACKSHER: Okay. Everything 10:28AM 11 is so streamlined now. 12 (Plaintiffs' Exhibit Number 8 was 13 marked for identification.) 14 Q. So now I'm going to show you a 15 document that was introduced in the record of 10:28AM 16 the special legislative session, which shows 17 how the CLC1 Plan performs in past election 18 returns. 19 Have you looked at that before? 20 A. I have. 10:28AM 21 Q. So you notice that under the CLC1 22 Plan, the percentages on the left side are 23 District 6, which is Jefferson County and the</p>

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1 eight Shelby County precincts, and the 2 right-hand column are percentages in 3 District 7, which is the Black Belt District. 4 Is it true that all of the 5 elections that are summarized here from 2012 6 President to 2022 Secretary of State, in those 7 elections, the Democrat would have prevailed 8 in District 7 of the Singleton Plan, but in 9 District 6, the Democrat would not have 10 prevailed in three elections in 2020, 2014, 11 and one in 2022, Flowers for governor; is that 12 correct? 13 A. That's what the data suggests, 14 yes. 15 Q. Okay. The question I have for 16 you, do you believe that District 6 would 17 perform as an effective opportunity district 18 for black voters to elect candidates of their 19 choice if it were enacted by the Court? 20 A. Yes, because I think, again, 21 referring back to the coalition, they already 22 have almost a majority, and they're -- if you 23 could get a redrawn district that would	10:29AM	1 one now, which is for the November 8th, 2022, 2 general election. 3 What I'm looking for is the 4 turnout data. I don't see turnout data here, 5 do you? Oh, these are out of order. I'm 6 sorry. Just a second. 7 A. I see the voter turnout in 2022 8 was 41.11 percent. 9 Q. Okay. There it is. I guess I was 10 looking at the wrong copy. I gave you just 11 one page. Confusion reigns. Excuse me. Yes. 12 All right. So the first page does 13 show the number of registered voters in 14 Jefferson County, the number of ballots cast, 15 and based on that, the voter turnout rate, 16 which in 2022 was only 41 percent, and that -- 17 is that a turnout rate that's higher or lower 18 than usual? 19 A. Lower. 20 Q. Okay. So, if we look down at 21 Yolanda Flowers as a candidate for governor, 22 it does appear that she received about 3 or 23 4,000 more votes than Governor Ivey did in	10:32AM
	Page 31		Page 33
1 coalesce communicative interests in Jefferson 2 County, I think, as a result, you're going to 3 see more people registered to vote, more 4 people interested in the candidates, and a 5 higher turnout because they know that their 6 vote will count differently than if it were in 7 a gerrymandered district. 8 So I think that we have a 9 formidable opportunity in Jefferson County to 10 form a coalition and to select candidates that 11 share the priorities and issues of a large 12 number of people in Jefferson County who have 13 been split by an artificial district line. 14 Q. Now, just to try to get a little 15 bit more detail about how those -- the 16 Singleton District 6 would perform, I'm going 17 to show you a series of printouts from the 18 Jefferson County Probate Court's website which 19 have election returns that actually show the 20 number of votes cast and so forth. 21 (Plaintiffs' Exhibit Number 9 was 22 marked for identification.) 23 Q. I'm going to hand you the first	10:30AM	1 Jefferson County; is that correct? 2 A. Yes, sir. 3 Q. Nevertheless, when you include 4 the -- the precincts from Shelby County that 5 are in Singleton CD6, she came up just, what, 6 49 percent short of winning in that district? 7 A. Yes. 8 Q. All right. All of the other 9 candidates here -- let's look at lieutenant 10 governor, for example -- first of all, 11 straight party voting shows 52 percent 12 Democratic; is that correct? 13 A. Yes. 14 Q. And Democrats would have won -- or 15 did win, excuse me, for -- in Jefferson County 16 for United States senator, Will Boyd? 17 A. Yes. 18 Q. For attorney general Wendell 19 Major? It's on the first page. 20 A. It's not on this page, so am I 21 supposed to be -- 22 Q. It's on the first page. 23 A. Here?	10:34AM

<p style="text-align: right;">Page 34</p> <p>1 Q. Down at the bottom, attorney 2 general. 3 A. Yes, I got it. Yes, he did. 4 52.46 percent. 5 Q. Okay. Looking for other statewide 10:36AM 6 races here, if you go to the second page, you 7 encounter associate justice of the supreme 8 court, Place 5, Anita Kelly, Democrat, would 9 have won -- did win in Jefferson County; is 10 that correct? Second page near the bottom on 10:36AM 11 the right-hand side. No, that's not the right 12 page. 13 A. Last page. 14 Q. Yeah. I'm sorry. 15 A. Yes, the Democrat won by 10:37AM 16 52.50 percent of the vote. 17 Q. Then, at the top of the next page, 18 Secretary of State? 19 A. Yes, Pamela Laffitte won, 51.33, 20 against Wes Allen, 45.79 percent. 10:37AM 21 Q. Okay. Now, over to the right side 22 of that page, there are a number of circuit 23 court judge races in which the general</p>	<p style="text-align: right;">Page 36</p> <p>1 district court? Does the same apply to the 2 district court elections? 3 A. I believe that's true, but I'm not 4 an expert on how it all gets sorted out. It's 5 always a mystery who is going to appear on 10:39AM 6 your ballot unless you go to Vote411.org. 7 Q. I'm going to go down to the 8 Jefferson County Sheriff. That's a countywide 9 office. Do you see that at the bottom of the 10 next page? 10:39AM 11 A. Yes. 12 Q. Okay. A Democrat, Pettway, 13 prevailed in that one; is that correct? 14 A. That's correct. 52 to 47 percent. 15 Q. And I don't see any other 10:40AM 16 countywide elections. Do you? 17 A. No. 18 Q. Let's talk for a minute about 19 Yolanda Flowers. She lost the election in 20 District 6 even though she had 96,175 to Kay 10:40AM 21 Ivey's 92,583 in Jefferson County alone, but 22 the -- she was the only statewide Democratic 23 candidate who did lose in District 6.</p>
<p style="text-align: right;">Page 35</p> <p>1 election there appear to be no -- no contested 2 races, only the Democrat is there; is that 3 correct? 4 A. Yes, sir. 5 Q. Now, does the whole of 10:38AM 6 Jefferson -- all of the voters in Jefferson 7 County vote for these circuit court judges? 8 A. No. Jefferson County has a 9 somewhat unique system in that we have two 10 different places for -- we have two 10:38AM 11 courthouses, and we have two judicial 12 districts. So one of them is called the 13 Bessemer Cutoff District, which is where part 14 of Hoover and western Jefferson County have 15 candidates that only serve out of the Bessemer 10:39AM 16 Courthouse. So there are judges that are 17 elected that I as a Bessemer Cutoff voter 18 cannot vote for, will not appear on my ballot, 19 and then there are judges on my ballot that my 20 colleagues cannot vote for because they live 10:39AM 21 elsewhere in Jefferson County. 22 Q. Okay. So the circuit court 23 elections are not countywide. What about the</p>	<p style="text-align: right;">Page 37</p> <p>1 What can you tell us about Yolanda 2 Flowers' candidacy? 3 A. Ms. Flowers qualified to run as a 4 Democrat for governor, but she was an unknown 5 in political circles, pretty much untested in 10:41AM 6 terms of her résumé of past offices. 7 According to media reports, she only raised 8 about \$12,000, and she had some policy 9 positions that were frankly confusing and 10 ambiguous and ended up disappointing both 10:41AM 11 progressives and conservatives. And that was 12 primarily around the issue of choice. And so 13 her statements were not quite unambiguous, and 14 it ended up perhaps chilling the vote for her 15 among people who might have voted for her 10:41AM 16 otherwise. 17 I actually talked to her once. 18 And she also interjected a lot of biblical 19 references in her campaign tweets, and that 20 was something that also disappointed certain 10:42AM 21 segments of the electorate in my opinion that 22 might have voted for her otherwise. 23 Q. So, because of those issues, she</p>

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	Page 38		Page 40
1 might not have received as much Democratic 2 support as some of the other candidates? 3 A. True. I think that in that case 4 that there are enough problematic statements 5 by the candidate that the coalition was not as 6 robust as it could have been if that party had 7 fielded a more viable candidate for governor, 8 and even though she only had \$12,000 and even 9 though she didn't make very many appearances, 10 look at the vote that she got in Jefferson 11 County.	10:42AM	1 2020? 2 A. The voter turnout was 3 64.84 percent, so about 20 points higher. 4 Q. Than it was in 2022? 5 A. Yes, sir.	10:44AM
12 Q. Well, yeah, she -- she won in 13 Jefferson County. 14 MR. DAVIS: Mr. Blacksher, before 15 you move on, can you tell me where Exhibit 9 16 came from? I think you said at the beginning, 17 but I didn't catch it, this printout we've 18 been discussing. 19 MR. BLACKSHER: It's off of the 20 Jefferson County Probate Court website.	10:42AM 10:43AM	6 Q. And -- and in your opinion, is -- 7 is there a reason for that? 8 A. Well, there's a couple reasons. 9 First of all, this is a presidential election 10 year, so turnout is traditionally higher when 11 you have a -- a president on the ballot. This 12 is also the year in which there was intense 13 interest in the United States Senate seat with 14 much national and state publicity on the two 15 candidates running. So there were several 16 reasons to get voter interest to get to the 17 polls in 2020. 18 Q. Okay. And so the United States 19 Senator election between Doug Jones and Tommy 20 Tuberville?	10:45AM 10:45AM 10:45AM
21 MR. DAVIS: Thank you. 22 (Plaintiffs' Exhibit Number 10 was 23 marked for identification.)		21 A. Yes, sir. 22 Q. And how big of a margin did Doug 23 Jones get in Jefferson County?	
	Page 39		Page 41
1 Q. I'm handing you a newspaper 2 article. You mentioned media reports that 3 mentioned Yolanda Flowers. Have you looked at 4 that article before? 5 A. I -- I did briefly, yes. 6 Q. Okay. Does this article refer to 7 the -- the choice versus right-to-life issue 8 that -- that you were referring to? 9 A. Yes. 10 Q. Okay. So it's just evidence -- 11 it's hearsay, but it's evidence of what was 12 actually said in the -- in the press; is that 13 right? 14 A. Yes. 15 Q. Okay. Just keep that. 16 (Plaintiffs' Exhibit Number 11 was 17 marked for identification.) 18 Q. All right. And next I'm going to 19 hand you the general election summary report 20 for the November 3, 2020, election here in 21 Jefferson County, again, off of the Probate 22 Court's website. 23 Now, what is the voter turnout in	10:43AM 10:43AM 10:44AM 10:44AM	1 A. Well, he got 17 percentage points 2 higher than Senator Tuberville. 3 Q. Now, again, there are a number of 4 elections here for associate justices of the 5 Alabama Supreme Court, also Court of Appeals 6 judges, and none of them seems to be 7 contested. 8 In your observation and your 9 experience, have Democrats -- Democratic 10 candidates been able to prevail in any 11 statewide elections in the last decade? 12 A. No. 13 Q. Again, there are -- there are some 14 county -- there are some county judges, 15 circuit court and -- you know, for circuit 16 court judges, but I believe your testimony was 17 before that not all of Jefferson County voters 18 get to vote for these circuit court judges; is 19 that correct? 20 A. That's correct. 21 Q. And you're in the Bessemer Cutoff? 22 A. I am. 23 Q. And don't get to vote for many of	10:46AM 10:46AM 10:46AM 10:47AM

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1 them?		1 Jefferson County.	
2 A. That's correct. I want to		2 What was the voter turnout in	
3 highlight one of these races, which is the		3 2018?	
4 public service commission, to show you how		4 A. 54.67 percent.	
5 well that the Democrats performed because	10:47AM	5 Q. Okay. And what was -- in terms of	10:50AM
6 Ms. Cavanaugh had the -- I mean, she's an		6 straight party voting, what does that breakout	
7 incumbent. She's been elected twice before,		7 look like?	
8 and yet here is a newcomer that comes to offer		8 A. The Democrats had 58.07;	
9 her services. And in Jefferson County, she		9 Republicans, 41.93.	
10 would have prevailed 56 percent to	10:47AM	10 Q. And -- but you've testified that a	10:50AM
11 Ms. Cavanaugh's 43 percent, and the public		11 lot of your colleagues split their tickets.	
12 service commission is a hugely important		12 They don't always vote straight ticket?	
13 office that's elected by districts.		13 A. Well, our general opinion is that	
14 So it just goes to show you that		14 straight ticket voting is not the best way for	
15 in a competitive race in Jefferson County,	10:48AM	15 an educated voter, and Alabama is only one of	10:50AM
16 even a -- a newcomer can wage an effective		16 seven states that even allows straight ticket	
17 campaign and potentially win.		17 voting. So, if you have done your homework	
18 Q. So, if you really want to get more		18 and you really are open to listening to people	
19 in detail about the chances of black voters		19 talk about issues, a split ticket is	
20 and their white coalition partners, you have	10:48AM	20 completely acceptable because you may want to	10:50AM
21 to go to the election returns and look at each		21 vote for one party's judicial candidates,	
22 race and put it in context; is that correct?		22 which are unfortunately running on a partisan	
23 A. You know, context is incredibly		23 basis, but you want to also keep your party	
	Page 43		Page 45
1 important as well as current events. So, in		1 together on national or state things.	
2 some cases, a particular race may not be as		2 So I never vote a straight ticket,	
3 riveting, but then you have a case in which		3 and I encourage my family and friends not to	
4 your electricity rates are being raised and		4 vote a straight ticket because you are not	
5 all of a sudden you get interested in the	10:48AM	5 giving individual candidates who have offered	10:51AM
6 people who are regulating that particular part		6 themselves for public service the opportunity	
7 of your monthly bill. So context matters.		7 and the respect to vote on each of those	
8 What's happening in your locality and state		8 separately.	
9 matters, and sometimes they all come together		9 Q. So, in the 2018 race for governor,	
10 so that you have much more interest in a race	10:49AM	10 it was Walt Maddox versus Kay Ivey. What does	10:51AM
11 than is typical for that particular office.		11 it show for Jefferson County?	
12 Q. Okay. So is there anything more		12 A. Walt Maddox got 58.94 percent,	
13 that you notice that we ought to comment on		13 and Kay Ivey got 40.94 percent. We have to	
14 for the 2020 official results? We can go down		14 remember that Walt Maddox got a lot of	
15 the list and say something about everything,	10:49AM	15 national public accolades and publicity	10:51AM
16 but we don't want to take the time to do that.		16 because this race came after the tornadoes in	
17 A. (Witness shakes head.)		17 Tuscaloosa County, and he performed so well in	
18 Q. Okay.		18 his role as mayor there that he got a	
19 (Plaintiffs' Exhibit Number 12 was		19 tremendous boost in his image as a person who	
20 marked for identification.)	10:49AM	20 could take on a higher office. And he ran a	10:52AM
21 Q. All right. Next I'm going to hand		21 fairly effective campaign, but thanks to	
22 you the summary report election returns for		22 straight ticket voting and the war chest that	
23 the November 6th, 2018, general election in		23 the supermajority party has, he came up short	

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	Page 46		Page 48
1 statewide, but he didn't come up short in 2 Jefferson County. 3 Q. Well, he -- the vote for Maddox at 4 58.94 is close to the 58.07 straight ticket 5 voting, but in order to get 58.94 for governor 10:52AM 6 in Jefferson County, Maddox had to get votes 7 from white voters, didn't he? 8 A. Yes, he did. 9 Q. And how would -- in your 10 experience, where and who are those white 10:52AM 11 voters? How would you characterize them in 12 your experience? 13 A. Well, I think they're the same 14 voters who -- who have the same concerns. 15 Medicaid, Mr. Maddox had indicated his support 10:53AM 16 for expanding Medicaid in Alabama. Kay Ivey 17 was already serving as lieutenant governor 18 under Robert Bentley, and then she went to be 19 governor after he resigned. But he, as a 20 medical doctor, refused to even entertain 10:53AM 21 expanding Medicaid, and so there was no way 22 she was -- seemed to be in a position to take 23 a different stance.		1 would be 70.65 versus 29.35, but in this case, 2 straight party is the same thing as individual 3 vote because there's only one candidate on the 4 ballot. 5 Q. That's right. 10:55AM 6 A. But as we know, this -- this was 7 an aberration and was unlikely to be repeated. 8 And so clearly you had a lot of crossover 9 voting or nonvoting by people who would have 10 traditionally voted Republican. 10:55AM 11 (Plaintiffs' Exhibit Number 14 was 12 marked for identification.) 13 Q. And now I'm going to show you the 14 2016 -- November 8th, 2016, general election 15 results. 10:55AM 16 A. We're going back in history here. 17 Q. 2016, yeah. Well, I want to try 18 to use these exhibits to indicate how 19 consistent, how sustained Democratic victories 20 in Jefferson County have been. So that's one 10:56AM 21 of the reasons I want you to look at these. 22 This one doesn't seem to have 23 turnout in it. I don't know why they didn't	
	Page 47		Page 49
1 So those people who thought that 2 health care in Alabama would benefit from 3 expanding Medicaid were more likely to vote 4 for Mr. Maddox. He was also more in tune with 5 lower to middle class voters and some of their 10:53AM 6 budgetary concerns which probably would have 7 been translated into some of the policies that 8 he would have supported as governor of the 9 state. 10 Q. Thank you. I think we can go a 10:54AM 11 little more quickly through these because 12 we've indicated what to look for, but there's 13 no point in taking the time to do so. 14 (Plaintiffs' Exhibit Number 13 was 15 marked for identification.) 10:54AM 16 Q. Here is the special general 17 election, December 12th, 2017. This is the 18 election between Doug Jones and Roy Moore. 19 And what's the voter turnout? 20 A. Voter turnout is 47.74 percent. 10:54AM 21 Q. And what was the straight party 22 vote? 23 A. Well, the straight party ticket		1 give us that. It says, "Registered voters: 2 Zero. Ballots cast: 305,000." I don't 3 understand. That must be a typo, but in any 4 event, what is the straight party vote here? 5 A. Democrat is 58.58; the 10:56AM 6 Republicans, 41.42. 7 Q. And how did the Democrat and 8 Republican candidates for president fair in 9 Jefferson County? 10 A. Secretary Clinton got 51.57, and 10:56AM 11 former president Trump got 44.30 and keeping 12 in mind there were two other candidates in 13 that race. So a total of four. So they took 14 several percentage points away. 15 Q. Now, to be clear, the straight 10:57AM 16 party vote contains -- it contains white 17 voters as well, right? 18 A. Certainly. 19 Q. Yes. 20 A. And the straight party vote for 10:57AM 21 Republicans probably contains minority voters. 22 Q. Some black voters? 23 A. Yes.	

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1 Q. Latino voters?		1 A. Yes.	
2 A. Yes.		2 Q. And it mentions Yolanda Flowers?	
3 Q. Okay. Okay.		3 A. Yes.	
4 A. And in that particular race		4 Q. It says she spent a paltry \$12,500	
5 because it was a woman running for president, 10:57AM		5 with her campaign. All right. So -- 11:00AM	
6 you may have gotten some different kinds of		6 A. But to your -- our earlier	
7 crossover voting that you would not have		7 discussion about context, part of this is very	
8 gotten had it been two male candidates.		8 Alabama specific in terms of the	
9 Q. What do you mean by that?		9 disorganization and infighting of one of the	
10 A. I mean that a lot of Republican 10:58AM		10 two parties, and that's translating into 11:01AM	
11 women may have ended up voting for Hillary		11 whether candidates want to throw their hat in	
12 Clinton because her stances were more in line		12 the ring. So some of this is internal party	
13 with their priorities as opposed to the		13 politics and, in my opinion, shouldn't be so	
14 Republican candidate. So, again, context		14 much a direct reflection on what voters would	
15 matters when you're looking at election 10:58AM		15 do because voters haven't been given a good 11:01AM	
16 returns.		16 candidate with substantive issue solutions on	
17 (Plaintiffs' Exhibit Number 15 was		17 which they could base a vote.	
18 marked for identification.)		18 And that is part of the reason	
19 Q. Okay. Here I'm handing you the		19 you're seeing this paltry turnout because the	
20 November 4, 2014, general election returns. 10:58AM		20 candidates are not people who can be viable 11:01AM	
21 This is one of the elections in which,		21 candidates. They may be good people, but they	
22 according to the summary, three Democrats lost		22 don't have the funding. They don't have the	
23 in statewide races at 48 percent or so.		23 infrastructure. They don't have the political	
	Page 51		Page 53
1 What is the voter turnout in 2014?		1 experience, and they don't have any kind of	
2 A. Oh, gosh. 40.71 percent.		2 national underpinning to help them win an	
3 Q. So it's about as low as it was in		3 election in Alabama.	
4 2022?		4 Q. Right. And if Jefferson County	
5 A. Uh-huh. But, again, this is not a 10:59AM		5 had its own congressional district, isn't it 11:02AM	
6 presidential election.		6 likely that the candidate who comes out of the	
7 (Plaintiffs' Exhibit Number 16 was		7 primary election is going to be more qualified	
8 marked for identification.)		8 than candidates have been in the past in	
9 Q. Let me show you -- let's put this		9 congress here?	
10 to the side. This is a newspaper article 10:59AM		10 A. That would be my personal opinion 11:02AM	
11 captioned "Alabama's Midterm Election Turnout		11 because you've got a contiguous, fairly	
12 Worst in 36 years," and it's dated November 9,		12 compact area that clearly have many common	
13 2022. So this is after the 2022 election, not		13 issues. And so you are trying to appeal to a	
14 the 2014 election, that we were just looking		14 more -- a group that you can get around to	
15 at. 11:00AM		15 much easier, that you can speak with, and the 11:02AM	
16 Have you seen this article?		16 media has access to this particular county.	
17 A. Yes.		17 You could use the -- a district that is just	
18 Q. Now, I know this article is		18 Jefferson County and make your campaign funds	
19 hearsay, but it does quote and cite Secretary		19 go further. You could have more exposure to	
20 of State Merrill as saying that he had 11:00AM		20 the potential voters, and depending on how the 11:03AM	
21 predicted a higher Democratic vote and that it		21 issues sort out, you could find some	
22 was the lowest he had seen in 36 years; is		22 coalitions where you least expected it.	
23 that correct?		23 Q. Let me just ask a hypothetical	

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1 question. Let's assume that the 2024 election 2 used Singleton's Congressional District 6, 3 which is all of Jefferson County and eight 4 Shelby County precincts, if the winner of the 5 Democratic primary was -- if the winner of 11:03AM 6 the -- of the Democratic primary was incumbent 7 Terri Sewell, do you think that the turnout 8 would be higher?		1 different solutions to current issues, they 2 may find that they're voting out of their 3 pattern.	
9 A. But Representative Sewell is not 10 in District 6. 11:03AM 11 Q. No. I said hypothetical. 12 A. Oh. Yes. 13 Q. You see what I'm -- I'm saying? 14 Assume -- I could give you another example. 15 Let's assume that it was Walt Maddox 11:04AM 16 because -- well, it can't be Walt Maddox. 17 MR. BLACKSHER: Give me another 18 name, Ed. 19 MR. STILLS: Rodger Smitherman. 20 A. Doug Jones. Doug Jones could run 11:04AM 21 in Jefferson County, lives in Jefferson 22 County. He would be elected state 23 representative for District 6 because there		4 MR. BLACKSHER: Do we need to take 5 a break? How you doing? 11:06AM 6 THE COURT REPORTER: I'm fine. 7 MR. BLACKSHER: All right. 8 (Plaintiffs' Exhibit Number 17 was 9 marked for identification.) 10 Q. This is the November 6th, 2012, 11:06AM 11 official results from the Jefferson County 12 Probate Court website, and what's the voter 13 turnout here? 14 A. The voter turnout is 15 79.15 percent, which is quite amazing, but 11:06AM 16 then this is a presidential year when 17 President Obama is on the ballot. 18 Q. And how did he do? 19 A. He got 52.50 percent of the vote, 20 and Mitt Romney got 46.53 percent. But, see, 11:06AM 21 this is an example, in my opinion, on a 22 national level of two viable candidates, and 23 you can see that because the Democrat got	
	Page 55		Page 57
1 would be enough crossover voters based on his 2 stellar reputation and his long political 3 history that he would easily win election as 4 a -- as a congressman from District 6 in 5 Jefferson County. 11:04AM 6 Q. Okay. And can't you say the same 7 thing about Terri Sewell, though? 8 A. Yes. Yes. And there would be a 9 lot more interest in the campaign, but I don't 10 think that you're just trying to get something 11:05AM 11 that's so overwhelming that one candidate is 12 assured to win. What -- what -- I want is a 13 fair map, a map that gives us two viable 14 candidates who are forced to debate and say 15 what their issues are so that we can make an 11:05AM 16 informed decision. 17 It would be the same thing if it 18 were overwhelmingly a sure thing so that no 19 GOP guy wants to get on the ballot. That is 20 the same situation, and there are plenty of 11:05AM 21 people, along with the precincts in Shelby 22 County, that might find that with a robust 23 debate between two candidates who have		1 59.64, but Mitt Romney got 40.36 percent 2 because they were both speaking to the issues. 3 (Plaintiffs' Exhibit Number 18 was 4 marked for identification.) 5 Q. Okay. Next I want to show you the 11:07AM 6 November 2, 2010, election returns. Turnout 7 here is what? 8 A. Turnout is 56.20 percent. 9 Q. Straight ticket voting? 10 A. Democrats, 59.06; Republicans, 11:07AM 11 40.94. 12 Q. And for governor? 13 A. Governor was an unknown named Ron 14 Sparks who got 50.35, and at that point, 15 Robert Bentley was pretty much unknown, and he 11:07AM 16 got 48.86. 17 Q. And I had one more, I think. 18 (Plaintiffs' Exhibit Number 19 was 19 marked for identification.) 20 Q. These are the November 4, 2008, 11:08AM 21 general election returns, and what's the 22 turnout here? 23 A. 77.05. And the straight party was	

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1 63.35 for Democrats, 36.35 for Republicans,		1 A. Yes.	
2 with President Obama in his first term getting		2 Q. Do you consider yourself	
3 52.15 and John McCain, 47.07.		3 knowledgeable about voting issues in the	
4 Q. All right. I think we're through	11:09AM	4 state?	
5 with those.		5 A. About voting issues or any issues? 11:20AM	
6 MR. BLACKSHER: Suzanne, I'm not		6 Q. Electoral politics.	
7 going to introduce the Shelby County things.		7 A. I do consider myself probably a	
8 We'll have to mark them up to indicate their		8 little more than the average person because of	
9 correct precincts. We'll have to put them		9 my lifelong interest in politics, so yes. And	
10 into evidence another way. Okay? 11:09AM		10 I subscribe to a variety of media that tries 11:20AM	
11 MS. YORK: Yes, sir.		11 to keep me informed on various issues.	
12 MR. BLACKSHER: Can we take a		12 Q. How long would you say that you've	
13 short break? Is that all right with you, Jim?		13 been an active and interested voter?	
14 MR. DAVIS: Sure. It's just me.		14 A. I have been an active and	
15 What time you want to come back? 11:09AM		15 interested voter since I turned 18, and the 11:20AM	
16 MR. BLACKSHER: How about ten		16 first election I voted in, my father was on	
17 minutes?		17 the ballot for sheriff of Clay County,	
18 MR. DAVIS: Okay.		18 Mississippi. So we have been involved in	
19 (A recess was taken.)		19 retail politics since I was old enough to	
20 MR. BLACKSHER: We're going to 11:17AM		20 attend cake walks with my dad in rural Clay 11:21AM	
21 turn Ms. Slay over for cross-examination.		21 County.	
22 ////		22 Q. In the complaint you filed in this	
23 ////		23 action, if I understand your claims correctly,	
	Page 59		Page 61
1 CROSS-EXAMINATION		1 you consider it important that counties be	
2 BY MR. DAVIS:		2 kept together in congressional plans; is that	
3 Q. Good morning, ma'am.		3 correct?	
4 A. Good morning.		4 A. That's correct, to the extent it's	
5 Q. My name is Jim Davis. I represent 11:19AM		5 possible that meets the criteria set out by 11:21AM	
6 Secretary of State Wes Allen in this		6 the Supreme Court.	
7 litigation that you filed.		7 Q. Why do you think it important to	
8 May I ask how you would prefer to		8 keep counties together in an Alabama	
9 be addressed?		9 congressional districting plan?	
10 A. What are my options? 11:19AM		10 A. It allows the political team to 11:21AM	
11 Q. Whatever. Is it miss? Is it		11 work as one in a county because, when you are	
12 colonel?		12 bounded by county lines, you're obviously	
13 A. Thanks for asking that, and as a		13 electing positions like the sheriff and the	
14 point of etiquette, you're not supposed to use		14 district attorney and various judgeships along	
15 your military rank unless it is directly 11:19AM		15 county lines. 11:22AM	
16 connected to your military service. So, for		16 And so when an issue emerges, it	
17 these purposes, we will just use miss.		17 is, to me, practical, if the population	
18 Q. Thank you, Ms. Slay. You said		18 justifies it, to have your congressional	
19 you've lived in Jefferson County since 1991		19 representative involved and aware of the same	
20 correct -- pardon me -- in Alabama since 1991? 11:20AM		20 issues that your local officials are already 11:22AM	
21 A. Yes.		21 aware of so you can work as a holistic team to	
22 Q. And Jefferson County since around		22 bring solutions to the table and resources, by	
23 the 1994?		23 the way because, if you're splitting along	

<p>1 county lines, you've got representatives and 2 senators who have access to all kinds of 3 largess, but they're working for different 4 geographical areas when you split a county.</p> <p>5 Q. You recognize, do you not, that 11:22AM 6 other principles and other laws may require a 7 state on occasion to split a county?</p> <p>8 A. Absolutely.</p> <p>9 Q. Do you think it more important 10 that Jefferson County be kept whole than other 11:23AM 11 counties in Alabama?</p> <p>12 A. I think that the data supports the 13 goal of providing voters opportunities to 14 elect candidates of their choice, and when you 15 look at the polarized voting and the data from 11:23AM 16 Jefferson County, it argues more for this 17 county than some other counties who are not as 18 racially polarized as Jefferson County, and --</p> <p>19 Q. Can you --</p> <p>20 A. -- excuse me -- and don't have the 11:23AM 21 population that would justify creating an 22 opportunity district.</p> <p>23 Q. Are you able to see this screen,</p>	<p>Page 62</p> <p>1 vote is more important than somebody else's 2 vote.</p> <p>3 Q. This plan you support splits 4 Tuscaloosa County, though, does it not?</p> <p>5 A. Yes. 11:25AM</p> <p>6 Q. Why is it more important that 7 Jefferson County be kept whole than Tuscaloosa 8 County?</p> <p>9 A. Well, Tuscaloosa was split because 10 of some other criteria that don't fit 11:25AM 11 Jefferson County, and that would be, I would 12 assume, population.</p> <p>13 Q. Okay. Are there any other issues 14 that you would contend make it more 15 appropriate to split Tuscaloosa County than 11:26AM 16 Jefferson County?</p> <p>17 A. No.</p> <p>18 Q. Okay. So population is the only 19 criteria that you can point to that would make 20 it more appropriate to split Tuscaloosa County 11:26AM 21 than Jefferson County?</p> <p>22 A. Having not looked at the data, I 23 would just assume that Tuscaloosa County does</p>
<p>1 the map on the screen, ma'am?</p> <p>2 A. Yes.</p> <p>3 Q. Let me get the right one. There. 4 I believe I'm showing you the Smitherman 5 Congressional Plan 1. What I mean to show you 11:24AM 6 is the Singleton Plan. Okay. Pardon me. 7 There we go.</p> <p>8 Is this the map that we reviewed 9 earlier in the case, the Singleton 10 Congressional Plan 1? 11:25AM</p> <p>11 A. Yes. It appears to be a little 12 sliver of Shelby County down there, and then 13 the contiguous Jefferson County.</p> <p>14 Q. Right. This plan -- do you 15 support this plan? 11:25AM</p> <p>16 A. Yes.</p> <p>17 Q. Do you consider voters in 18 Tuscaloosa County to be less important than 19 voters in Jefferson County?</p> <p>20 A. Why would I say that? 11:25AM</p> <p>21 Q. I'm asking if you do.</p> <p>22 A. I think all votes should count 23 equally -- one person; one vote -- so no one's</p>	<p>Page 63</p> <p>1 not have the population that Jefferson County 2 has; and, therefore, it's harder to meet the 3 equalization of population criteria by keeping 4 Tuscaloosa whole.</p> <p>5 Q. Would that be true for other 11:26AM 6 counties that are split in this Singleton 7 Congressional Plan 1 such as Talladega, 8 Elmore, Escambia, Lauderdale?</p> <p>9 A. Yes, but I think every map that's 10 been suggested splits certain counties. There 11:27AM 11 is no map that's been introduced that keeps 12 all counties whole.</p> <p>13 Q. Thank you. Ms. Slay, are you 14 familiar with areas of Jefferson County, say, 15 in the northern part of the county that are 11:27AM 16 adjacent to Blount County?</p> <p>17 A. Well, I travel through there. 18 I -- I have -- probably Gardendale and that 19 area, but I don't have neighborhoods that I 20 visit in northern Jefferson County. 11:27AM</p> <p>21 Q. Do you have any opinion about 22 whether voters in that northern -- so the 23 rural part of the county, say, up around</p>

<p>1 Warrior, whether they have more in common with 2 inner city Birmingham or Blount County across 3 the line in terms of what they need from a 4 congressional representative?</p> <p>5 A. I think they could have much in 11:28AM 6 common with Birmingham as much as Blount 7 County because many of them are commuting into 8 Birmingham to work. And so the conditions in 9 Birmingham, the infrastructure, the safety, 10 security, are all -- shopping. They're coming 11:28AM 11 to Birmingham, not Blount County.</p> <p>12 Q. Do you have any information on 13 when the last time was that Alabama kept 14 Jefferson County whole in a congressional map?</p> <p>15 A. I want to say 1965, but I could be 11:28AM 16 wrong on that.</p> <p>17 Q. Okay. But as far as you're aware, 18 it's been a long time since Alabama had a map 19 that kept Jefferson County whole for 20 congressional districts? 11:29AM</p> <p>21 A. Yes, that's true, but as the 22 census data has proven that population shifts 23 occur which necessitate the re-imagining of</p>	<p>Page 66</p> <p>1 be different because you pull those 2 neighborhoods out, and those are the neighbors 3 that we're working on common issues for in 4 Jefferson County. It was clearly to pull 5 those minority voters out of Jefferson County 11:30AM 6 and put them in District 7.</p> <p>7 Q. I'm showing you Livingston 8 Congressional Plan 3 that the legislature 9 passed in 2023, and this is a map that the 10 Singleton Plan has filed into court as 11:31AM 11 Exhibit 5.</p> <p>12 Do you recognize this as the map 13 that was passed last week by the Alabama 14 legislature?</p> <p>15 A. I certainly do. 11:31AM</p> <p>16 Q. And the part you contend is a 17 racial gerrymander is that -- the part that 18 goes into Jefferson County?</p> <p>19 A. Yes.</p> <p>20 Q. Why is it you say it is clear that 11:31AM 21 they were reaching for minority voters, 22 Ms. Slay?</p> <p>23 A. In Jefferson County, as in many</p>	<p>Page 68</p>
<p>1 congressional districts -- and when Jefferson 2 County was -- when certain actions were taken 3 according to the districts in 1992, that was 4 court ordered, but then a Supreme Court 5 decision in '93 said that racial gerrymanders 11:29AM 6 were unconstitutional. So, when those maps 7 were drawn in '92, that was before SCOTUS made 8 the decision in the '93 case.</p> <p>9 Q. Ms. Slay, do you contend that the 10 map that the legislature passed in 2023, the 11:29AM 11 congressional map -- do you contend that that 12 map is a racial gerrymander?</p> <p>13 A. I absolutely do.</p> <p>14 Q. What is your basis for that 15 contention? 11:30AM</p> <p>16 A. Because of the way they have 17 inserted that finger up into Jefferson County 18 to extract the primarily minority 19 neighborhoods and put them in congressional 20 District 7, and that -- this is pretty 11:30AM 21 personal for me because I'm so close to that 22 district line that it is -- it's indefensible 23 for you to tell me that my issues are going to</p>	<p>Page 67</p> <p>1 other areas of the state and the country, 2 we're living in largely segregated 3 neighborhoods, and so people are sorting 4 themselves out in neighborhoods more and more 5 that are economically stratified. 11:32AM</p> <p>6 And so the neighborhoods that are 7 affected by this finger are -- are, for the 8 most part, people of color and lower economic. 9 We're talking Fairfield, Bessemer, part of 10 Hoover, and those people are primarily people 11:32AM 11 of lesser means. And I think that they have 12 been lumped into District 7 to make District 6 13 even more white and Republican.</p> <p>14 MR. DAVIS: And I will mark this 15 as Defendants' Exhibit 1 to the deposition, 11:32AM 16 and I will work with Mr. Blacksher and the 17 court reporter to provide PDFs at the 18 conclusion of the deposition, if that's okay 19 with everyone.</p> <p>20 (Defendants' Exhibit Numbers 1 and 11:33AM 21 2 were marked for identification.)</p> <p>22 Q. All right. Ms. Slay, are there 23 any -- is there any other reason that you</p>	<p>Page 69</p>

<p>1 contend that the 2023 map is a racial 2 gerrymander other than the part that goes into 3 Jefferson County? 4 A. Well, I'm not speaking to the rest 5 of the state because I don't have any direct 11:33AM 6 knowledge there. So there could be some other 7 instances of that, but it would seem to me 8 that that effort was made to make sure that -- 9 that the incumbents were not going to be 10 challenged. And if we changed that map and 11:33AM 11 put it contiguous Jefferson County, then the 12 current congress people would have a more 13 serious race on their hands. 14 And my contention is that we would 15 end up with less extreme policy positions 11:33AM 16 because both parties would have to appeal to a 17 cross-section of voters and come with some 18 substantive solutions to issues that affect 19 all people in Jefferson County. 20 Q. Do you have any evidence, 11:34AM 21 Ms. Slay, that any member of the Alabama 22 legislature voted for that plan because of the 23 way, as you -- because of your contention that</p>	<p>Page 70</p> <p>1 why the congressional map in 1992 was drawn 2 the way it was? 3 A. My understanding is it was 4 accepted or directed by federal court to 5 rectify some of the past problems in the 11:35AM 6 Alabama redistricting process. 7 Q. Do you disagree with the decision 8 by that federal court in 1992? 9 A. I'm not going to say anything 10 about that because that was 1992, and, again, 11:35AM 11 that was before the Supreme Court made some 12 clearer guidance in subsequent cases on what 13 was permissible and what was not. And here we 14 are in 2023, and the SCOTUS has opined that 15 partisan gerrymandering is A-OK but racial 11:36AM 16 gerrymandering is not. 17 Q. Ms. Slay, I'm sharing now a copy 18 of Figures Congressional Plan 1. For the 19 record, this has been filed to the Singleton 20 Court Record as Exhibit 8. 11:36AM 21 You recognize this as a map that 22 has sometimes been referred to as the Milligan 23 and Caster Plaintiffs' Remedial Plan?</p>
<p>1 it separates voters by race in Jefferson 2 County? 3 A. Well, since I wasn't on the -- in 4 the legislature to hear their negotiations, 5 no, I don't have any direct evidence of it. 11:34AM 6 Q. Do you have any indirect evidence? 7 A. I have some indirect evidence 8 through hearsay by somebody that was on the 9 floor of the legislature saying that they 10 liked the Singleton maps but were told by the 11:34AM 11 national party not to vote for them. 12 Q. Do you have any information that 13 the national party said that for a reason that 14 had anything to do with race? 15 A. I don't have that information. I 11:35AM 16 would surmise that part of it is to keep 17 incumbents in safe districts, but if the 18 district was originally racially gerrymandered 19 just to keep them in the same district is 20 still a racial gerrymander, and Secretary 11:35AM 21 Merrill has said that the districts that were 22 drawn were racial gerrymanders. 23 Q. Do you have any information as to</p>	<p>Page 71</p> <p>1 A. Yes. 2 Q. And have you seen this map before 3 today? 4 A. I probably have. I have not 5 studied it as closely as the Singleton Map. 11:37AM 6 Q. Would you contend that this map 7 contains any racial gerrymanders? 8 A. I think that you could possibly 9 make that argument. You see -- I see that, 10 again, Jefferson County has been split and 11:37AM 11 that there is a considerable amount of it 12 that's been put down in the District 7, and 13 also -- 14 Q. Do you have any -- 15 A. Excuse me. There seems to be a 11:37AM 16 lot of counties in this plan that are also 17 split. 18 Q. Do you have any opinion about the 19 part of this map that puts a portion of the 20 city of Mobile or Mobile County into 11:37AM 21 District 2? 22 A. I do not. 23 Q. Okay. If the legislature's 2023</p>

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1 map is a racial gerrymander in Jefferson 2 County, wouldn't this map also be a racial 3 gerrymander?		1 first. When you say "grocery tax," what do 2 you mean? What is the belief about the 3 grocery tax that this coalition has in common?	
4 A. Well, I think that some arguments 5 could be made for that. That's why I'm 6 supporting the Singleton Map.	11:38AM	4 A. Well, I think all voters, all 5 residents of any entity, would be in favor of 6 reducing a grocery tax, which is a regressive 7 tax, as we know, and the effects of it are 8 most apparent in lower-income families who 9 spend more money on things that are taxed by 10 sales tax than upper income families do.	11:40AM
7 Q. Okay. Now, you were asked by 8 Mr. Blacksher what issues voters in Jefferson 9 County have in common, and I wrote down one 10 was expansion of Medicaid.	11:38AM	11 And so our move at the state level 12 to reduce it, the state tax, is great, but 13 again, removing the tax would be an income 14 boost for all voters. And, yes, is this 15 something that a congressperson could do? Not 16 directly, but certainly, he or she has 17 influence with state leaders as we have seen 18 in Alabama in the discussion on the 19 redistricting in which national leaders of 20 their party are having much input into how 21 negotiations go.	11:41AM
11 Is that an issue that you think 12 voters in Jefferson County have in common?		22 So, if you could speak with one 23 voice, then, to me, it would just be a much	
13 A. Yes.			
14 Q. I also wrote down grocery tax, 15 public transit, criminal justice reform, 16 infrastructure projects, and certain military 17 issues.	11:39AM		
18 A. Okay.			
19 Q. I'm not meaning to test your 20 memory. I just want to be complete.	11:39AM		
21 Are those issues that you recall 22 saying are issues that Jefferson County voters 23 have in common, this coalition of voters that			
	Page 75		Page 77
1 you talked about?		1 more constructive way to go forward, and --	
2 A. I think coalitions are creatures 3 that form kind of organically. So you can't 4 say this coalition will always support these 5 eight issues. Coalitions form based on their 6 common interests on the issue that's 7 percolating up. What I am suggesting is that 8 the Jefferson County voters are more likely in 9 a contiguous congressional district to be 10 speaking with one voice to a unified group of 11 political leaders and we're not being split 12 among various people who can effect change.	11:39AM	2 you can say that about any of these issues 3 because they're not all issues that a U.S. 4 congressman directly affects for sure, but he 5 or she can certainly direct resources to those 6 areas, grants, open doors.	11:42AM
13 And so the same people who might 14 be concerned with military issues, might not 15 be concerned with Medicaid, but overall, there 16 is such a spectrum of economic differences and 17 political differences in Jefferson County, to 18 me, it would make for a much more robust 19 democratic -- and with a little "D" --	11:39AM	7 Q. Would you agree that a desire to 8 expand Medicaid, a desire to lower the grocery 9 tax, criminal justice reform, for example,	11:42AM
20 conversation about what's best for Jefferson 21 County.	11:40AM	10 that those are issues that are generally held 11 in common or beliefs generally held in common 12 by progressive voters?	11:42AM
22 Q. Well, let's take the first one -- 23 well, actually, I want to ask this question		13 A. That's a great question. And I 14 would say in 2023 it is, but that's because 15 the -- the nature of the two parties has 16 changed over time. So many of these things 17 used to be bipartisan issues at the national 18 and state level, and they have become 19 affiliated with one party now because the 20 other party has shifted its priorities.	11:43AM
		21 But -- but to say this is a Democratic issue, 22 it's only because the parties have changed 23 because people who were supportive of these	

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1 kind of issues used to be both Republicans and 2 Democrats.		1 I've been taking notes, but if I heard you 2 correctly when we were discussing the 2010 3 elections, particularly the gubernatorial 4 race, did you say that Ron Sparks was a rather 5 unknown candidate?	11:45AM
3 Q. And as I understand the coalition 4 of voters that you're advocating for in 5 Jefferson County -- 11:43AM		6 A. To me, he was. He may have had 7 some statewide maybe agriculture. I don't 8 know, but he was not a household name to me. 9 Nor was Robert Bentley actually, but he was in 10 Tuscaloosa. And he had a following because of 11 his stature as a well-known doctor in that 12 rather small town. So I didn't mean to 13 misspeak. I'm just saying for me he was 14 unknown.	11:45AM
10 Q. Thank you. That's an important 11:43AM 11 clarification. I would say you're advocating 12 for a district that allows that coalition to 13 vote as a unit.		15 Q. I understand. Thank you. I'm 11:46AM 16 also interested if you share an opinion that I 17 have. I lived in Jefferson County from '93 18 until about five years ago, and for about half 19 that time, I lived really close to where you 20 now live. I lived in Bluff Park or Park 11:46AM 21 Avenue, and then I moved out further west to 22 Lake Crest. It seemed to me that both Bluff 23 Park and Lake Crest, which is sort of near the	
14 A. Thank you. 15 Q. Is that fair? 11:44AM 16 A. That's a better way of stating 17 that. 18 Q. Thank you for correcting me, but 19 the voters of Jefferson County who are 20 interested in expanding Medicaid, lowering 21 grocery tax, criminal justice reform, how are 22 their needs different from a progressive voter 23 in Madison County who favors expanding	11:44AM		
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1 Medicaid, lowering the grocery tax, and 2 reforming the criminal justice system? 3 A. They may not be different, but 4 they are in a position where their priorities 5 aren't translated, and this is sort of a 11:44AM 6 domino effect because, if a district is drawn 7 so that your values and your priorities are 8 never going to be in the majority, then 9 those -- those programs won't be implemented. 10 If you had a district drawn that 11:44AM 11 gave opportunities for a coalition to be 12 formed and a candidate that espouses your 13 values to be elected, then some programs might 14 actually change at the local, state, or 15 national level, and more importantly, the 11:45AM 16 interest in getting out to vote and actually 17 voting would increase because you see that you 18 now have a viable vote to get to that goal 19 that you've been trying to do for years and 20 years but your candidate consistently loses 21 because of the way that the lines have been 22 drawn. 23 Q. I'm jumping around here because	11:44AM 11:45AM 11:45AM	1 Hoover Met, that those neighborhoods got much 2 more racially diverse over the time that I 3 lived there. 4 Have you noticed that in the part 5 of Bluff Park where you live? 11:46AM 6 A. I take your point, and I agree. 7 One of the interesting things about Bluff Park 8 is how eclectic it is and how different the 9 neighborhoods look from other neighborhoods 10 that are all sort of cookie cutters, but as I 11:47AM 11 was telling my colleagues here that you might 12 be surprised to know that the second largest 13 minority group in the Hoover City Schools now 14 are people from India or their offspring. So 15 we've got about 30 different nationalities in 11:47AM 16 the Hoover City Schools right now -- or -- if 17 not more. 18 So, yes, it is racially diverse, 19 and it is also politically diverse. So, on 20 the national level, a lot of people are 11:47AM 21 sorting themselves into neighborhoods based on 22 how progressive or conservative -- it's really 23 kind of appalling. I don't see that in Bluff	11:46AM 11:47AM 11:47AM

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1 Park yet, and you can look at the data and see 2 how close some of these elections have been 3 Democrat and Republican. But, yes, it's much 4 more diverse than it was ten years ago.		1 returns when Mr. Blacksher was asking you 2 questions, and if I recall, there were a few 3 elections where Republicans won in those 4 districts?	
5 Q. I'm going to go back to -- I don't 11:47AM 6 need to show it to you -- but the plan that 7 you support, the Singleton Plan, which keeps 8 Jefferson County whole.		5 A. Absolutely. 11:50AM 6 Q. So you still think that provides a 7 fair opportunity? 8 A. Yes, I do.	
9 You understand that there is no 10 majority black district in that plan, do you 11:48AM 11 not?		9 Q. A fair opportunity for African 10 American voters to elect their candidate of 11:50AM 11 choice?	
12 A. I absolutely understand that what 13 we're looking for is the opportunity to elect 14 candidates of our choosing, not a foregone, 15 definite possibility, a definite "I want it my 11:48AM 16 way or no way." No. This is the only way to 17 form a coalition so that you can continue this 18 into the future and reduce the polarization of 19 voting just by race, and all you want is an 20 opportunity, not a guarantee. And that forces 11:48AM 21 you to reach across and form groupings that 22 have issues in common in my opinion.		12 A. Yes, because other things are 13 going to happen. If you actually have a 14 district that might allow you to have your 15 vote count as much as somebody else's, then it 11:50AM 16 may mean, probably will mean, more viable 17 candidates come to the table. Then we'll get 18 more funding. Then we'll get more grass roots 19 volunteers. And so you have a campaign that's 20 able to generate the energy it would take to 11:51AM 21 actually win the election.	
23 Q. Do you believe that even though		22 Q. As we looked at various election 23 returns in Jefferson County -- and we looked	
	Page 83		Page 85
1 districts in the Singleton Plan -- District 6 2 and District 7, even though they're not 3 majority black, you believe those districts 4 provide an opportunity for African American 5 voters to elect their candidate of choice? 11:49AM 6 A. Yes.		1 at '22, '20, all the way back to 2010 -- the 2 Democrats did not do as well in 2022, though, 3 did they, as they did in prior years? 4 A. I think the data would support 5 that. The turnout was different. The 11:51AM 6 candidates were not stellar, and the party has 7 suffered from, what we call in the military, a 8 circular firing squad. And so you really have 9 to say "put this in context."	
7 Q. And what is your basis for that? 8 A. Well, again, if you've got a 9 contested race with -- with viable candidates 10 and you know that your vote might actually 11:49AM 11 make a difference in this race, you're going 12 to be more likely than not to make sure you're 13 registered, that you listen to what the 14 candidates are saying, to actually get to the 15 polls on a Tuesday, and to make your vote 11:49AM 16 known.		10 Q. So, even though 2022 is a more 11:51AM 11 recent election, is it your position that some 12 other elections like '20 and '18 and '16 13 provide a more accurate view of how those 14 districts would perform?	
17 It's -- it's demoralizing to know 18 that as much as you educate yourself and go to 19 a poll your candidate will never win even 20 though he has really good ideas because the 11:50AM 21 way that gerrymandering has drawn the 22 district. 23 Q. And we looked at some election		15 A. I think so, yes. Well -- and, 11:52AM 16 again, as you know, a presidential election 17 year creates its own issues which drives 18 turnout. And so every election is special in 19 its own way, but the data over time shows that 20 if Jefferson County were a contiguous 11:52AM 21 district, Democrats would have prevailed, not 22 always -- you know, sometimes 50, 51, 23 sometimes 52.	

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1 But, again, the coalition would be 2 key in cementing a victory for people who -- 3 it's not the party label I'm really concerned 4 with. It's the fact that you have two 5 candidates coming forward with viable 6 solutions.	11:52AM	1 Q. And if I understood you correctly, 2 is it your position that Democratic party 3 infighting was a drain on Democratic turnout 4 in 2022?	
7 Right now, what has happened 8 because it's no way that -- a supermajority 9 party is always going to win. So they can 10 take real extreme views that appeal to a 11 certain segment of that population and never 12 accept an invitation to debate, don't answer 13 candidate questionnaires, don't entertain 14 conversations because they don't have to 15 because they know they're going to win.	11:53AM	5 A. Yes. And -- not only that, but 11:54AM 6 they -- according to people who were running 7 as Democrats, they didn't get any financial or 8 how-to support from the state party, just 9 procedural things, how to file, how to go 10 about campaigning, how to -- no funding. And 11:55AM 11 so they were all on their own.	
16 Q. I want to stick with the '22 17 elections just a minute, and understand, 18 although this is a trial deposition, it's also 19 my opportunity to understand your claims a 20 little better.	11:53AM	12 MR. DAVIS: If we could pause for 13 just a moment and let me call my co-counsel, 14 that would be helpful.	
21 If 2022, the -- if the 2022 22 election is not the best indication of how a 23 district performs, I want to understand all	11:53AM	15 MR. BLACKSHER: Certainly. 11:55AM 16 (A recess was taken.)	
	Page 87	17 MR. DAVIS: Thank you for 18 indulging me that pause. Ms. Slay, thank you 19 for answering my questions and helping me to 20 understand your claims better. Those are all 11:56AM 21 the questions I have today.	
1 the reasons why you think that is the case. 2 If you're looking for something, 3 Ms. Slay, that will help, I will be very happy 4 to pause for a moment.	11:53AM	22 I will, after we close, speak to 23 the court reporter and find out how to get	
5 A. Well, you're referring to 2022, 11:53AM 6 and I'm just trying to -- here it is right 7 here. So let's --	11:53AM	1 copies of the Singleton -- well, the two plans 2 that we've discussed that were not already 3 introduced, and that was the Legislature's '23 4 plan and the Milligan plan, this VRA plan, 5 marked as 1 and 2 respectively. 11:57AM	Page 89
8 Q. Okay.	11:53AM	6 With that, those are all the 7 questions that I have, Ms. Slay. Thank you so 8 much.	
9 A. Okay.	11:53AM	9 THE WITNESS: Well, you're quite 10 welcome. 11:57AM	
10 Q. Yes, I want you to have whatever 11:53AM 11 information you need to help me understand 12 your claims better.	11:53AM	11 REDIRECT EXAMINATION	
13 Would you say that the quality of 14 candidates on the Democratic side was an issue 15 in the 2022 election? 11:54AM	11:54AM	12 BY MR. BLACKSHER:	
16 A. You're being much too diplomatic.	11:54AM	13 Q. I have just one redirect question.	
17 Q. How would you phrase it?	11:54AM	14 Ms. Slay, I may have misunderstood what you	
18 A. I would say that it was abysmal.	11:54AM	15 said, but I thought you said something to the 11:57AM	
19 Not that I -- I don't know these people 20 personally, but it's the way they were chosen, 11:54AM	11:54AM	16 effect that other counties were not as	
21 the funding they secured, the backgrounds they 22 came with. It was not a way to -- to win 23 elections at the statewide level.	11:54AM	17 polarized as Jefferson County is.	
		18 Did you mean the opposite of that, 19 or did I hear you correctly?	
		20 A. Well, let me just back up and say 11:57AM	
		21 I am not expert on other counties in Alabama.	
		22 So perhaps I shouldn't have said that at all,	
		23 but I don't -- I think that the neighborhoods	

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1 in Jefferson County are -- have a very high
2 correlation with racial voting, racial
3 polarized voting, and I don't -- I can only
4 speak a little bit from Tuscaloosa because of
5 where I live. I cannot speak to the rest of 11:57AM
6 Alabama. So maybe that should have been an
7 overly broad statement.
8

8 MR. BLACKSHER: Okay. Thank you.
9 No further questions.
10 MR. DAVIS: None for me either. 11:58AM
11 Thank you so much, Ms. Slay.

12 (The deposition concluded
13 at 11:58 a.m.)

15 FURTHER DEPONENT SAITH NOT
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1 REPORTER'S CERTIFICATE
2 STATE OF ALABAMA
3 ETOWAH COUNTY
4 I, Joseph Jones, Certified Court
5 Reporter and Commissioner for the State of
6 Alabama at Large, hereby certify that on
7 August 10, 2023, I reported the deposition of
8 LEONETTE SLAY, who was first duly sworn or
9 affirmed to speak the truth in the matter of
10 the foregoing cause, and that pages 6 through
11 90 contain a true and accurate transcription
12 of the examination of said witness by counsel
13 for the parties set out herein.
14 I further certify that I am neither kin
15 nor of counsel to any of the parties to said
16 cause nor in any manner interested in the
17 results thereof; and that this transcript was
18 certified and prepared on August 10, 2023

18 certified and presented on Friday
19
20

JOSEPH JONES, CCR
Commissioner for the
State of Alabama at Large
CCR # 645, Expires 09/30/23
MY COMMISSION EXPIRES: 06/05/25

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Alabama Rules of Civil Procedure

Part V. Depositions and Discovery

Rule 30

(e) Submission to witness; changes; signing. When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by the witness, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness within thirty (30) days of its submission to the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; the deposition may then be used as fully as though signed unless on a motion to suppress under Rule 32(d)(4) the

court holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

(F) Certification and filing by officer; exhibits; copies; notice of filing.

(1) The officer shall certify on the deposition that the witness was duly sworn by the officer and that the deposition is a true record of the testimony given by the witness. Unless otherwise ordered by the court, the officer shall then securely seal the deposition in an envelope indorsed with the title of the action and marked "Deposition of [here insert name of witness]" and shall promptly file it with the court in which the action is pending or send it by registered or certified mail to the clerk thereof for filing.

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